

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division**

EMILY LYNN WILLIAMS	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No. 7:20cv768
WESTERN EXPRESS, INC.,	)	
	)	
and	)	
	)	
MICHAEL ALLEN CRADDOCK,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Defendants Western Express, Inc. (“Western Express”) and Michael Allen Craddock, by counsel, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes to this Court the state court action described below, which was filed in the Circuit Court for Wythe County, Virginia. As grounds for removal, Defendants state as follows:

1. On or about December 7, 2020, Plaintiff Emily Lynn Williams filed Case No. CL20001835-00 in the Circuit Court for Wythe County, Virginia.

2. On December 10, 2020, Western Express’s registered agent in Virginia was served with a Summons and copy of the Complaint. A copy of the Summons and Complaint is attached hereto as **Exhibit A**.

3. Plaintiff served the Secretary of the Commonwealth as statutory agent for Mr. Craddock. Mr. Craddock has yet to receive such service, but he consents to this removal.

4. Western Express is a Tennessee Corporation with its principal office in Nashville, Tennessee. It is not a citizen of the Commonwealth of Virginia.

5. Mr. Craddock is a Tennessee resident.

6. Plaintiff makes no allegation regarding her citizenship in her Complaint. On information and belief, Plaintiff is a Virginia resident residing in Bastian, Virginia.

7. Plaintiff seeks \$1,750,000.00 as set out in the ad damnum of her Complaint.

8. This Court has diversity jurisdiction over the action, pursuant to 28 U.S.C. § 1332, because (1) complete diversity of citizenship exists between the parties, and (2) the amount in controversy exceeds \$75,000.00, exclusive of costs and interest.

9. Venue is proper in this Court, pursuant to 28 U.S.C. § 1441(a), because the underlying action is pending in a Virginia state court embraced within the district and division of this Court.

10. This removal is timely, pursuant to 28 U.S.C. § 1446(b)(1), because this notice is filed within thirty (30) days after Western Express's receipt of the Complaint.

11. Pursuant to 28 U.S.C. § 1446(d), contemporaneous with this filing, Defendants will notify and file a copy of this Notice with the Clerk for the Circuit Court for Wythe County. A copy (pleading only) is attached hereto as **Exhibit B**.

WHEREFORE, Defendants Western Express, Inc. and Michael Allen Craddock respectfully remove this case from the Circuit Court for Wythe County to the United States District Court for the Western District of Virginia, Roanoke Division.

Dated: December 23, 2020.

**WESTERN EXPRESS, INC. and  
MICHAEL ALLEN CRADDOCK**

By: /s/ Jeffrey P. Miller  
Of Counsel

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*Counsel for Western Express, Inc. and  
Michael Allen Craddock*

**CERTIFICATE OF SERVICE**

I electronically filed the foregoing with the clerk of court for the United States District Court for the Western District of Virginia, on this 23<sup>rd</sup> day of December, 2020 using the CM/ECF system, which will send notification of such filing (NEF) to all CM/ECF registered attorneys on the NEF.

/s/ Jeffrey P. Miller  
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